

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6749**

**BILL NUMBER: SB 285**

**NOTE PREPARED: Mar 29, 2013**

**BILL AMENDED: Mar 28, 2013**

**SUBJECT:** Waiver of the Right to Remonstrate Against Annexation.

**FIRST AUTHOR:** Sen. Buck

**FIRST SPONSOR:** Rep. Karichoff

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** (Amended) The bill provides that if a person waives the person's right to remonstrate against an annexation as part of a contract with a municipality for providing sewer service to the person's property, the release is not binding on a successor in title to the property unless, for sewer contracts executed after June 30, 2013, the successor in title: (1) has actual notice of the waiver; or (2) has constructive notice of the waiver because the contract or a signed memorandum of the contract stating the waiver, has been recorded in the chain of title of the property. (Under current law, the contract containing the waiver must be recorded in order to bind the successors in title of the party to the agreement.)

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) The bill may reduce remonstrations against annexation after June 30, 2013, in areas where sewer service has been provided, if the successor in title has actual notice of waiver, or signed memorandum of the contract stating the waiver, to remonstrate or constructive notice of the release due to the contract being entered and recorded in the chain of title of the property.

**Explanation of Local Revenues:**

**State Agencies Affected:** Municipalities wishing to annex further territory.

**Local Agencies Affected:**

**Information Sources:**

**Fiscal Analyst:** Chris Baker, 317-232-9851.